

CALIFORNIA COASTAL COMMISSION

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Memorandum

Date: October 20, 2006

To: Marine Life Protection Act Initiative, California Resources Agency
MLPAComments@resources.ca.gov

From: Ellen Faurot-Daniels, California Coastal Commission

Re: Comments on: *Draft Report on Improving Coordination among State and Federal Agencies with MPA Responsibilities*

Thank you for the opportunity to review the above referenced draft report. We have just a few general comments.

There are several places in the draft report where the jurisdiction, authorities and/or programs of the California Coastal Commission, or other agencies, are incompletely stated. Some examples are as follows:

Page 12, under California Coastal Commission: Please add a synopsis of the federal consistency review responsibilities delegated to the California Coastal Commission under the Coastal Zone Management Act (CZMA) of 1972. The CZMA applies to federal activities, development projects, permits and licenses, and support to state and local governments. This additional CCC responsibility applies to activities in federal waters greater than three miles from shore. Please use the page 137 description, and if necessary, see <http://www.coastal.ca.gov> for more information on the CCC federal consistency responsibilities.

Page 22, Figure 2 and legend: The Coastal Commission shoreward boundary is captured correctly; the islands are federally owned, so the coastal zone does not extend landward above the mean high tide line. However, the Coastal Commission permitting jurisdiction includes the area below mean high tide and out to 3 miles. Federal consistency applies to waters beyond three miles, including but not exclusive to the Sanctuary waters.

Page 33, Suggested membership for Federal-Ocean Protection Council Working Group: Could the California Coastal Commission be considered for membership?

Page 46, a) and page 47, d): The discussion under aquaculture should include the California Coastal Commission, as this agency also must issue a Coastal Development Permit for aquaculture development within the coastal zone (can use the description used on page 161, aquaculture). The discussion under authorization permits should include a synopsis of

Coastal Commission federal consistency review authority (could use the description offered on page 137).

Page 52: The full paragraph on this page gives undue emphasis on the Safe Seas drill. There are countless industry, state and federal agency drills each year, all of which could or should be acknowledged here. While NOAA plays a role in spill response and some drills, they are just one small part of the overall effort. The USCG and OSPR are the lead federal and state agency responders for California; NOAA is advisory to the USCG, or sometimes sanctuary staff will assist with information during a specific incident.

Pages 86-87, Jurisdiction of Key Agencies: Please include on page 87 a more complete description of not just the fact that our federal consistency review is headquartered in San Francisco, but what the California Coastal Commission federal consistency review is intended to include and accomplish (perhaps reference page 137 description).

Page 117, Coastal Zone Management Program description: Please note in the table that the California state agencies charged by NOAA with reviewing projects under CZMA include the 1) California Coastal Commission, 2) Bay Conservation and Development Commission, and the 3) State Coastal Conservancy.

Page 121, Office of Spill Prevention and Response: Please note that while OSPR is the lead state agency under the Lempert-Keene-Seastrand Act, that same Act acknowledges the other state agencies with oil-related responsibilities in both marine waters (*e.g.*, State Lands Commission, California Coastal Commission, Bay Conservation and Development Commission) and within the coastal zone or watersheds influencing marine waters (*e.g.*, State Fire Marshal, Division of Oil and Gas). These authorities are in addition to what is acknowledged within Lempert-Keene-Seastrand. For instance, the Coastal Commission has specific responsibilities under Lempert-Keene-Seastrand, but those are to support our pre-existing and separate responsibilities under the Coastal Act and CZMA.

Page 122, Oil and Hazardous Substances Spills Planning and Response: Please include the Minerals Management Service for oil platform-related oil and hazardous materials discharges in federal waters (could use the description on page 163, Offshore Mineral Development).

Page 158, Vessel traffic management: Please include the Pacific States/British Columbia Task Force, Offshore Vessel Traffic Risk Management Workgroup, to the description of west coast wide (San Diego to Cook Inlet, AK) vessel traffic recommendations. Many of these are voluntary (as are those mentioned in this section) but critically important for vessel management along the entire California coast.

Thank you for the opportunity to comment. Please call (415-904-5285) or email (efaurotdaniels@coastal.ca.gov) with any questions.

Sincerely,

Ellen Faurot-Daniels
Energy and Ocean Resources Unit